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Attorneys for Plaintiff HP Tuners, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HP TUNERS, LLC, a Nevada limited liability company,

Case No. 3:18-cv-00527-LRH-WGC

**PLAINTIFF'S MOTION FOR LEAVE TO
FILE SUPPLEMENTAL BRIEF IN
FURTHER OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS**

KENNETH CANNATA,

Defendant.

Plaintiff HP Tuners, LLC (“Plaintiff”) respectfully
court, pursuant to Rule 7-2(g) of the Local
for the District of Nevada, to file a supplement
to Dismiss (Dkt. 10), and states as follows:

In connection with this action, Defendant filed a Motion to Dismiss (Dkt. 10). Plaintiff filed an Opposition to Motion to Dismiss (Dkt. 14) on January 7, 2019. The Motion to Dismiss remains pending before this Court.

1 Plaintiff submits that good cause exists to grant this Motion requesting leave to file the
2 Supplemental Brief. On May 16, 2019, Plaintiff obtained new and additional information which
3 materially impacts the pending Motion to Dismiss. Specifically, Plaintiff obtained explicit
4 testimony regarding a secret email account which was used by Defendant Cannata between April
5 8, 2016 (during the negotiation of Defendant Cannata's buyout) and January 8, 2017 (subsequent
6 to the October 20, 2016 buyout transaction), to improperly and unlawfully share highly
7 confidential and proprietary information of HPT. The evidence unequivocally establishes that
8 Cannata provided highly confidential and proprietary information of HPT to a third party **BOTH**
9 when he was an owner of HPT and after the consummation of his nearly \$7M buyout transaction.

10 The proposed Supplemental Brief in further Opposition to Defendant's Motion to Dismiss
11 is attached as Exhibit 1.

12 WHEREFORE, Plaintiff, HP TUNERS, LLC, respectfully submits that good cause exists
13 to file a supplemental pleading and prays for an order granting it leave to file a supplemental brief
14 in support of its Opposition to Defendant's Motion to Dismiss and for such other relief as this
15 Court deems necessary and appropriate.

16 DATED this 19th day of June, 2019.

17 LEE HIGH, LTD.

18 /s/ Elizabeth High, Esq.
19 CECILIA LEE, ESQ.
ELIZABETH HIGH, ESQ.

20 MARKS & KLEIN

21 /s/ Andrew P. Bleiman, Esq.
22 ANDREW P. BLEIMAN, ESQ.

23 Attorneys for Plaintiff HP Tuners, LLC

INDEX OF EXHIBITS

Exhibit	Description	Number of Pages
1	Plaintiff's Proposed Supplemental Brief in further Opposition to Defendant's Motion to Dismiss	6 pages

1 CERTIFICATE OF SERVICE

2 Pursuant to FRCP 5(b), I certify under penalty of perjury that I am an employee of LEE
3 HIGH, LTD., 448 Ridge Street, Reno, Nevada 89501, and that on June 19, 2019, I served copies of
4 the PLAINTIFF'S MOTION FOR LEAVE TO SUPPLEMENTAL BRIEF IN FURTHER
5 OPPOSITION TO DEFENDANT'S MOTION TO DISMISS via the Court's Notice of Electronic
6 Filing to all those persons listed on the United States District Court CM/ECF Confirmation Sheet.

7 DATED this 19th day of June, 2019.

8 /s/ Elizabeth Dendary, CP
9 ELIZABETH DENDARY, CP
Certified Paralegal

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